

ESTTA Tracking number: **ESTTA380032**Filing date: **11/22/2010**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92050789
Party	Defendant Hewlett-Packard Development Company, L.P.
Correspondence Address	MARTIN R. GLICK HOWARD RICE NEMEROVSKI CANADY ET AL. THREE EMBARCADERO CENTER, 7TH FLOOR SAN FRANCISCO, CA 94111 UNITED STATES trademark@howardrice.com
Submission	Defendant's Notice of Reliance
Filer's Name	DIANA D. DiGENNARO
Filer's e-mail	ddigennaro@howardrice.com
Signature	/s/ Diana D. DiGennaro
Date	11/22/2010
Attachments	Exh 64.pdf (3 pages)(82683 bytes) Exh 65.pdf (3 pages)(281660 bytes) Exh 66.pdf (3 pages)(273876 bytes) Exh 67.pdf (2 pages)(191384 bytes) Exh 68.pdf (5 pages)(499416 bytes) Exh 69.pdf (4 pages)(384256 bytes) Exh 70.pdf (3 pages)(64723 bytes) Exh 71.pdf (3 pages)(420118 bytes) Exh 72.pdf (2 pages)(162729 bytes) Exh 73.pdf (2 pages)(169994 bytes) Exh 74.pdf (2 pages)(26192 bytes) Exh 75.pdf (2 pages)(25815 bytes) Exh 76.pdf (3 pages)(309604 bytes) Exh 77.pdf (3 pages)(305455 bytes) Exh 78.pdf (2 pages)(33593 bytes) Exh 79.pdf (2 pages)(32665 bytes) Exh 80.pdf (12 pages)(235911 bytes) Exh 81.pdf (5 pages)(502722 bytes) Exh 82.pdf (4 pages)(401472 bytes) Exh 83.pdf (4 pages)(52991 bytes) Exh 84.pdf (12 pages)(196371 bytes) Exh 85.pdf (13 pages)(226245 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD**

NARTRON CORPORATION,

Petitioner,

v.

HEWLETT-PACKARD DEVELOPMENT
COMPANY, L.P.,

Respondent.

Cancellation No. 92050789

Registration No. 3,600,880

Registration Date: April 7, 2009

Mark: **TOUCHSMART**

RESPONDENT'S NOTICE OF RELIANCE

EXHIBIT 64



Intermec SmartSystems Foundation

SmartSystems Foundation is a software platform that provides a single, integrated environment for hands-free deployment and management of devices located anywhere in the enterprise, on-site or remote.

SmartSystems™ Foundation Downloads

Console/Server Software

Download	Size	Notes	Date	Registration Req.
SmartSystems Scan-to-Connect Utility ver. 3.51.02.0524	2.4M	Generates barcodes which enable users to connect mobile computers to a secure wireless network and load software via scanning. Requires: Windows XP, Vista or Windows Server 2003/2008, SmartSystems Foundation v3.51. For use with mobile computer using SmartSystems client 3.30 or later. Release Notes.	Tuesday, February 9, 2010	X
SmartSystems Bundle Wizard ver. 3.51.01.0156	9.2M	Allows users on a machine that doesn't have SmartSystems Foundation installed to create software and settings bundles for easy distribution to devices via SmartSystems Console installed on a different machine. Requires: Windows XP, Vista, or Windows Server 2003/2008. Release Notes.	Tuesday, February 9, 2010	X
SmartSystems Reporting Services ver. 3.51.01.0149	6.2M	SmartSystems Reporting Services - provides standard reporting features for: Equipment Inventory, Software Inventory, Battery Replacement, and Software Exceptions. Requires SmartSystems Foundation 3.51. Review Release Notes before installing. Release Notes.	Monday, February 8, 2010	X
SmartSystems Foundation ver. 3.51.04.1225	31.2M	Console/Server for servicing Intermec computers, printers, RFID readers. Now includes 1-step provisioning in addition to remote configuration, OS upgrade, mgmt functions. Also includes updated License Manager for simplified license activation. Requires: Windows XP Vista, or Windows Server 2003/2008. Review Release Notes before installing. Release Notes.	Monday, February 8, 2010	X
SmartSystems Bundle Tool ver. 3.40.03.0655	4.7M	Allows users to create right-click tools for SmartSystems. To create software bundles for SmartSystems, use SmartSystems Bundle Wizard instead. Release Notes.	Friday, October 2, 2009	X
SmartSystems Remote Connection ver. 3.20.00.0341	23.4M	Allows users to find and connect to installed instances of SmartSystems Foundation Console on their network. Requires: Windows XP/Windows Server 2003, SmartSystems Foundation.	Monday, November 19, 2007	X

Demo Software

Download	Size	Notes	Date	Registration Req.
SmartSystems Remote File	3.7M	SmartSystems Remote File Explorer Tool V3.51. Free tool that works with SmartSystems to display an Intermec computers file system remotely. Use common file and folder	Tuesday, February 9, 2010	X

Explorer ver. 3.51.01.0265		features to: delete, rename, copy, and upload/download. Great for occasional remote support. For use with CN50, CN4, CN3, CK6x, CK32, CV30, CK30/31, 7xx devices. Release Notes.		
SmartSystems Remote Display Tool Demo ver. 3.51.02.0409	2.2M	SmartSystems Remote Display Tool Demo. Free Microsoft Utility packaged for use with SmartSystems Foundation. Use your desktop to display and control applications running on an Intermec computer. Great for demos or occasional remote support. For use with CN50, CN4, CN3, CK6x, CK30/31, 7xx, CV30 computers. This utility is NOT supported. Release Notes.	Tuesday, February 9, 2010	X

OS/Firmware/Drivers

Download	Size	Notes	Date	Registration Req.
SmartSystems Client - CV60 XPe ver. 3.43.06.0598	42.9M	Supports Licensing CV60 XPe. For use only on CV60 XPe operating systems. Release Notes.	Thursday, May 20, 2010	X
SmartSystems Client - Windows CE 5.0 ver. 3.46.07.0645	1.6M	New version of the SmartSystems Client for use on Intermec mobile computers. This client provides support for: CK60 and CV30. New feature support for the Scan-to-Load Utility v3.50. This update is for use with Intermec Operating Systems released prior to 9/1/2009. Release Notes.	Tuesday, September 22, 2009	X
SmartSystems Client - Windows Mobile 6.1 ver. 3.46.07.0645	1.7M	New version of the SmartSystems Client for use on Intermec mobile computers. This client provides support for two new mobile computers, the CN4 and CN50, as well as the CK3. New feature support for the Scan-to-Load Utility v3.50. This update is for use with Intermec Operating Systems released prior to 9/1/2009. Release Notes.	Monday, September 21, 2009	X
SmartSystems Client - Windows Mobile 5.0 ver. 3.46.07.0645	1.7M	New version of the SmartSystems Client for use on Intermec mobile computers. This client provides support for: CN3, CK60, CK32 and CV30. New feature includes support for the Scan-to-Load Utility v3.50. This update is for use with Intermec Operating Systems released prior to 9/1/2009. Release Notes.	Monday, September 21, 2009	X
SmartSystems Client - CV60 CE4.2 ver. 3.31.03.0391	1.2M	Supports Licensing and Scan-to-Connect for CV60 CE 4.2. For use only on CV60 CE4.2 operating systems. SmartSystems Scan-to-Connect Utility required to generate barcodes. Release Notes.	Tuesday, August 12, 2008	X
SmartSystems Client - Windows Mobile 2003 ver. 3.31.03.0391	1.3M	Supports Licensing and Scan-to-Connect for Windows Mobile 2003 OS versions. For use on 700 Series and CN2B computers. SmartSystems Scan-to-Connect Utility required to generate barcodes. Release Notes.	Tuesday, August 12, 2008	X

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EXHIBIT 65

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smartex software textile

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About 35 results: Software (6)

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Language Options

SmarTEX

FOB Price: US \$1,500 - 3,500 / Box
[Get Latest Price](#)

Minimum Order Quantity: 1 Box/Boxes

Mr. Karthik M
[Offline](#) **Contact Supplier**

Send a Message to this Supplier

Supplier Details

SmartPoint Technologies
[India]

Business Type:

Trading Company

[Contact Details](#)

Online Showroom: 3 Products

[View this Supplier's Website](#)[Add to My Favorites](#)

Product Details

Company Profile

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Quick Details

Type: Programming & Development

Operating Systems Supported: DOS, Windows

Version Type: Enterprise


Place of Origin: India

Specifications

SmarTEX is a specialized software solution designed for Textile retailer working across the full spectrum of textile industry.

SmarTEX is a specialized software solution designed for Textile retailer working across the full spectrum of textile industry. SmarTEX has specific features for clothing retailers such as category, family, size, length and variant matrix. These unique clothing matrixes are used throughout the software in purchasing, receiving, point of sale, inventory control, and reporting. SmarTEX also automates purchase, inventory accounts, employee, barcode operation, multiple payment methods, multi-currency, discount handling, VIP sales, and supplier. SmarTEX empowers you with advantages like flexible item identification, accurate billing and profitability control. It also helps monitor optimum ordering levels and provides end-of-day reports on stock, cash and sales.

Send your message to this supplier

From: Enter email or Member IDTo:  **Mr. Karthik M**
SmartPoint TechnologiesMessage: Enter your inquiry details such as product name, color, size, MOQ, FOB, etc.

Enter between 20 to 3,000 characters, English only.

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1 2 3 4 5 6 7 8 9 10 ...

Related Products

This Supplier

SmarHMS

SmarHMS is a general purpose Hotel Management System ideal for the hospitality industry.

US \$ 1500-3500

SmarRMS

SmarRMS is an all encompassing Restaurant Management System for managing the restaurant effectively and efficiently.

SmarTEX

SmarTEX is a specialized software solution designed for Textile retailer working across the full spectrum of textile industry.

Min. Order: 1 Box/Boxes

US \$ 1500-3500
Min. Order: 1 Box/BoxesUS \$ 1500-3500
Min. Order: 1 Box/Boxes

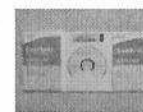

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US \$69.19-98.82 / lot
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working...
US \$5.15-7.22 / piece
Min. Order: 1[View details](#)Freeshipping! Intuit Quickbook...
US \$42.27-46.39 / piece
Min. Order: 1[View details](#)Digital touch pen
US \$58.00-88.00 / piece
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RESPONDENT'S NOTICE OF RELIANCE

EXHIBIT 66



SOLUTIONS | INDUSTRIES | CUSTOMERS | PARTNERS | SUP

RedPrairie RedPrairie Acquires SmartTurn

AS LOW AS
\$500

UNLIMITED USERS

On Demand WMS for the New Economy

Anytime. Anyone. Any warehouse.

Easy-to-use Web WMS provides real-time inventory visibility, lower fulfillment costs and happier customers.



Business Owners & Executives
SmartTurn pays for itself in 1 month.



Warehouse Operators
Automate your warehouse and cut costs.

The Proven Leader in Inventory Management Software & Inventory Management S

Inventory Management

SmartTurn is an easy-to-use, quick-to-deploy inventory management software system that increases visibility and control of all inventory management processes.

SmartTurn customers benefit from increased accuracy, improved service levels and reduced inventory management costs.

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CAPABILITIES

- Purchasing
- Receiving & put-away
- Inventory control
- Order fulfillment

News



RedPrairie acquires leading on-demand warehouse management (WMS) solutions provider, SmartTurn
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Video
Interview with
RedPrairie
and
SmartTurn

"Our experience has shown that companies everywhere are depending on better

Customer Success

With SmartTurn, Argent As saves anywhere from \$10, \$15,000 each month in supply chain efficiencies.

— Argent As

Watch video testimonials from real customers speaking freely about SmartTurn

Shipping

Integration

Mobile computing

inventory controls to improve their productivity. We are excited to join RedPrairie and are looking forward to continuing to build on the promise of on-demand WMS."

—Jim Burleigh, CEO of SmartTurn

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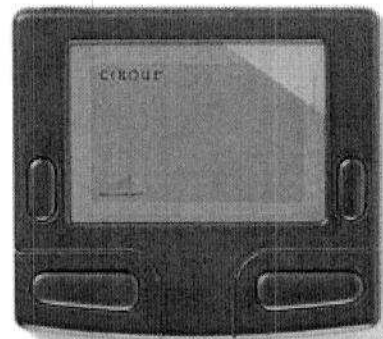
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RESPONDENT'S NOTICE OF RELIANCE

EXHIBIT 67

CIRQUE

INNOVATIVE TOUCH SOLUTIONS

[Home](#)[Solutions](#)[Technologies](#)[Touchpad Mouse](#)

Smart Cat® Touchpad

The Cirque Smart Cat® adds comfort plus performance to computer control with an extra-large touch surface, intelligent software, one-touch scroll and zoom, and distinctive sounds for each operation. Basic mouse functions are a snap. Simply access right-clicks by tapping a finger in the touchpad's upper right corner, and quickly activate vertical/horizontal scrolling as well as magnification tools by gliding a finger along the touchpad edges.

Functionality

- Execute, browse at the touch of a finger
- Zoom reduces or enlarges Office documents
- Scroll moves horizontally & vertically
- Right tap mimics a mouse right-click
- GlideExtend® virtually eliminates the edge of the pad when dragging
- Adjustable sounds, speed, sensitivity and orientation

Product Highlights

- Extra-large touch surface
- Easy-to-find textured "right" click area
- One-touch scroll, zoom and surf
- Three (3) mechanical buttons supported
- Withstands spills and abuse
- Easy PS/2 or USB connectivity

GlidePoint® Technology - Cirque's capacitive touch technology provides complete navigation control of any graphical interface, packed in a space-saving, low-friction, durable mouse alternative. GlidePoint's sophisticated sensor system quickly responds to precise finger movements.

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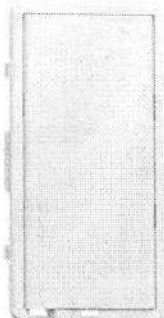
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EXHIBIT 68

The All-New Kindle: \$139

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True Touch Lighting Control

by [Leviton](#)[\(1 customer review\)](#)Price: **\$30.84****In Stock.**Ships from and sold by **7GIFTS**.**3 new** from \$25.22**\$30.84** + \$7.85 shippingIn Stock. Sold by **7GIFTS**Quantity: **1**

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Technical Details

- Digital touch dimmer
- LED Indicator
- Includes Color Kits

[See more technical details](#)

Product Details

Product Dimensions: 1.3 x 5.4 x 6.2 inches ; 7 ounces**Shipping Weight:** 1 pounds ([View shipping rates and policies](#))**Shipping:** Currently, item can be shipped only within the U.S.**ASIN:** B000GKDU8S**Item model number:** 001-TT106-1EI**Average Customer Review:** [\(1 customer review\)](#)**Amazon Bestsellers Rank:** #240,212 in Electronics ([See Top 100 in Electronics](#))**Date first available at Amazon.com:** September 14, 2004Would you like to [update product info](#), [give feedback on images](#), or [tell us about a lower price](#)?

Product Description

Product Description

Digital touch dimmerLED IndicatorIncludes Color Kits

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DIMMER ForThomas & Betts AR135D
Touch Lamp Kit byWestek A6043CS 200W
3-Level Touch PadWestek 6503HBLC
300W 3-Level Wire-In

	inverting Thomas & Betts	Dimmer, Black by Westek	Replacement Dimme...
	(13)	(5)	by AmerTac
	\$9.67	\$13.93	(10)
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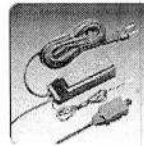
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with Touch Pad

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Shuts down during utility "brownouts", September 14, 2008By [Golog](#) (USA) - [See all my reviews](#)This review is from: **True Touch Lighting Control (Electronics)**

This would be a 5-star product if it didn't shut down during the most extreme utility brownouts on hot summer days. This happened to me twice this summer in the New York City area (ConEdison). It's the only electronic product I own that doesn't operate normally at all times with ConEdison power. When the voltage drops below a certain point, the lights go out and can't be turned on, although the LEDs on the dimmer switches continue to glow. When the voltage increases above the dimmers' threshold, the lights come on at full strength. If you have these switches in bedrooms, as I do, it's imperative to turn them off with the tiny push-pull switch before going to bed during a brownout that has caused the lights to go out. Otherwise you will wake up in the middle of the night to maximum light when the voltage comes back to within Leviton's acceptable range. The old-style Leviton touch dimmers with left-right on-off switches are not affected by brownouts.

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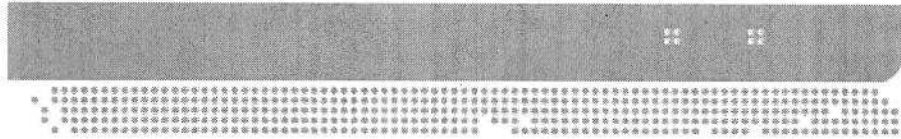
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EXHIBIT 69



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- [Our Core Technology](#)
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Touch Screens

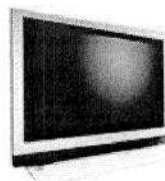
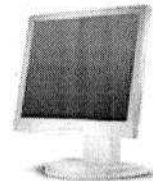
Click to Download our 12" to 100" Crystal Touch Data Sheet



A new era in touch screen technology

Whether you are looking for a 3 inch or 100 inch touch screen solution, Lumio has the answer. Our solutions are scalable and mechanically simple to integrate. Our Virtual Layer allows the original screen brightness, color fidelity and clarity to be seen without any degradation.

Our Virtual Layer sits just off the surface (enabling a 'light-touch' response) and does not degrade, or suffer from shift, drift, aging or sensitivity to scratch yet provides high levels of accuracy and resolution, multi-point recognition and mouse/handwriting recognition control.

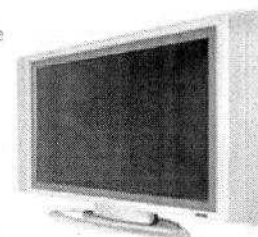


Lumio's Virtual Interface Modules provide OEM's and integrators with the scalability and design flexibility required for the fast product turn around. As LCD manufactures are now developing better and better screens with higher contrast and richer colors; sacrificing this performance to turn your screen into a touch screen is no longer acceptable. Unlike other touch technologies (Technology Comparison) which place a physical layer over the screen, that unavoidably degrades the LCD performance, Lumio's technology places a virtual layer over the screen so the original color fidelity, brightness and contrast are maintained with a reduced power demand.

Unlike legacy Infra-red systems, our Modules are placed on a single edge or under the glass and are dramatically more cost-effective.

Large area touch screens no longer need to cost the earth.

Please contact us for further information



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News & Press

Come and See Us at:

IBC Convention

Amsterdam, September

10 - 14, 2010.

Lumio, Inc. is located at the
Microsoft booth in the Topaz



The Optical Touch - Crystal Touch

**Any flat surface
Anywhere
Any size**

Lumio brings you a unique optical touch solution. By harnessing the power of light, we empower OEMs, system integrators and system designers to integrate low cost, small foot print modules that enable any flat surface to become interactive.

For LCDs, Plasma or rear projection surfaces of almost any size, our intelligent optical touch modules and integration combine to create the perfect solution for functionality, reliability, responsiveness and design appeal.

Whether it is to bring simultaneous multiple handwriting recognition capabilities to an interactive board, allowing for collaborative application software to be fully functional with multi users, or simply a single touch application our Optical touch modules enhance and enable intuitive, flexible and reliable human interaction with your screen solutions.

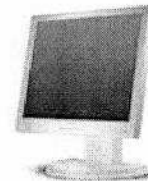
Simplicity, intuitiveness and quality are our watch words and our commitment. Take a tour through with us and see how our Virtual Multi Touch Layer and Multi User product line can significantly enhance your product offering.

In 2008 the exclusive panel of jurors at the World Economic Forum in Davos recognized Lumio as a Technology Pioneer and invited our management to attend and address this prestigious audience on the benefits of our intellectual property and economic vision for the burgeoning interactivity markets.

Crystal Touch - Multi

**High Resolution
Calibration Free
Optical Touch Screen Family**

Crystal Touch and Crystal Touch - Multi belong to a family of high resolution, high brightness, cost-effective, optical touch screen systems that turns any flat surface into an interactive surface.



Scalable, and mechanically simple to integrate, Crystal Touch incorporates high resolution linear sensors and patented continuous waveguide illumination technology to deliver high levels of accuracy and resolution with mouse/handwriting recognition control.

Our Crystal Touch screens all come with our plug and play Dual Control functionality and our unique patented NO CALIBRATION capability. These additional features allow for a number of dual touch finger motions to be pre-defined in the system (rotating images, zooming in and out etc.) adding functionality and greatly enhancing the user experience. Our Crystal touch is Win7 Logo Certified and also supports Linux and MAC OS.

Crystal Touch Multi is the first 4 point multi touch system for screens from 24 inches to 200 inches - enabling true multi-point multi-user screen interaction for applications in an array of markets

including: broadcast, entertainment,
educational and military markets.

Key Features

High resolution
High accuracy
Fast reporting rate
Very low latency
Dual Touch Windows 7 Certified and Dual
Control for non Win7 environment
Glass transparency, no absorbing layer, no
haze
High clarity and color fidelity
Activated by any object; finger, glove,
pen/stylus etc.,
No calibration is required
Automatic Self Calibration Feature
(Automatic Drift Correction)
No aging or temperature drift
Long lifetime with high reliability
Scratches do not effect performance
Light touch with no pressure
USB-HID Digitizer and/or USB-HID mouse
Crystal Touch Multi
Supports 4 simultaneous touches

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RESPONDENT'S NOTICE OF RELIANCE

EXHIBIT 70

Total Touch POS

HOME

THE TOTAL TOUCH
DIFFERENCE

BLUEFROG
TECHNOLOGIES, INC.

CUSTOMERS

CERTIFIED VENDORS

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*"The POS Software Designed
with YOU in Mind!"*

Easy to Learn

Easy to Use

The Simplicity of a Cash Register

BUT

with the

POWER

of a Network Computer System

"Everything that you need and NOTHING that you don't"

*Total Touch POS is a complete front and back of the house
Restaurant POS software application suite that*

*Includes everything necessary to easily manage your
restaurant's day to day operations: :*

- Fine Dining Table Service
- Bar Tabs
- Quick Service/Fast Food

- Deli Service
- Delivery Service
- Drive Through
- Pizza Service
- Gift Card Management
- Menu Costing
- Sales Analysis
- Credit Card Management (Mercury Payment Systems, Sterling Payment Systems, PCCharge Payment Server)
- Coupon Management
- Discount Management
- Employee Labor/Payroll Tracking
- Customer Database Management
- Customer Statement Printing
- Accounting Interface (csv file export)
- Email and Chain Reports
- Optional Enterprise Management and Inventory/Recipe Control

and much more!p!plication suite

pplication suite

The development and functionality of the Total Touch POS™ suite of applications is the result of the experience of POS professionals with over one hundred (100) years of combined experience in the Restaurant Point of Sale business.

The **BlueFrog** Technologies, Inc. team, over the years, has sold, installed and supported the majority of the Restaurant POS brands on the market today. In every case, we found these applications wanting.

The leading systems were expensive, difficult to install, to support and to learn.

We put our knowledge and experience to work to develop a POS system that is as easy to learn, and use as a cash register but with all the power and flexibility of a networked computer system.

Total Touch POS™ IS...
"The POS Software Designed with YOU in Mind!"

BlueFrog Technologies, Inc

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EXHIBIT 71



► Home

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► Product Information

► Series 8000MP Master-Touch™ Flowmeters

► Series 8000MPNH Master-Touch™ Flowmeters

► Master-Touch™ Flow Averaging Tubes (FAT™)

► Series 9000MP Multipoint Flowmeters

► Series 7000–7200 Flow Switches

► EPICommunicator (EPICom) Flowmeter Software

► LightWIRE Infrared Flow Meter Communications

► Technical Information

► Master-Touch Solutions

► Domestic Sales

► International Sales

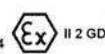
► Request a Quote

Master-Touch™ MP Series

In many industries the need for monitoring gas flow involves hazardous gases, potentially dangerous operating environments or simply a desire for a rugged, industrial-strength configuration. These applications include many common manufacturing processes, natural gas metering, compressed air auditing, etc. The Master-Touch MP Series is now approved for use in hazardous area locations: Class I Division 1 Groups B, C and D; Class II E, F and G; Class III; Type 4X, 7; Ex d IIB + H2; AEx d IIB + H2, IP66; EEx d IIB + H2, IP66; T2 (consult factory for T3 or T4).

Certified to US requirements; Certified to Canadian requirements 

Certified to European ATEX requirements

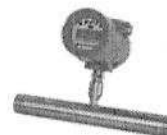


KEMA 04 ATEX 2276

The remote enclosure is certified for use in Ordinary (Non-Hazardous) area locations: Type 4X, IP66

Master-Touch™ Technology

EPI's Master-Touch™ flowmeters incorporate the following subsystems to perform signal processing functions: sensor, bridge controller, microcomputer, and I/O communication outputs. Our proprietary microcomputer performs digital signal processing (DSP) functions utilizing a high speed, high resolution 16-bit analog to digital converter (ADC), a central processing unit (CPU) and a high resolution 14-bit digital to analog converter (DAC). Our CPU is an embedded microprocessor including random access memory (RAM), read-only memory (ROM), a serial communications controller (SCC), and I/O data lines.



Menuing System

In addition to the basic Run Mode for day-to-day operations, the Master-Touch includes a menuing system that is accessed via the 4-button keypad or a PC running EPICommunicator™ software, and now features eight operational menus with their submenu items:

100 *Meter* Menu — This menu is used change the displayed engineering units, change the scaling of the output signals, and reset the stored values for elapsed total, high and low flow rates, timestamps, etc.

200 *Utility* Menu — This menu is used to change a variety of microprocessor parameters, such as the display update rate, the internal date and time, the analog-to-digital (ADC) and digital-to-analog (DAC) signal conversion filters, etc.

300 *Status* Menu — This menu includes a series of submenus which present basic information about the flowmeter set up and status.

400 *Alarms* Menu — This menu is used to control the relay options, including pulsed outputs, high/low trip points, etc.

450 *E-Log* Menu — This menu is accessed via EPICommunicator's E-Logger™ module to perform datalogging functions.

700 *S-Curve Fit* Menu — This menu is used to modify the factory calibration with a set of secondary coefficients based on customer data.

750 *PW-Curve Fit* Menu — This menu is used to make adjustments to the linear output signal at specific 5% intervals of the calibrated full scale flow rate.

800 *P-Curve Fit* Menu — This menu is used to access the global C-Factor, change the stored cross-sectional area value, etc.

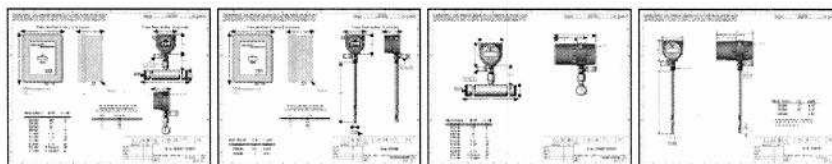
You may download the Instruction Manual (see below) or go to our EPICommunicator page for a complete discussion of these features.

In the Master-Touch MP Series, the electronics enclosure at the point of measurement is approved for hazardous locations. In our integral style flowmeters, these electronics include all components including the flow rate and total display as well as a four-button keypad. Although our standard remote style configurations have a general purpose enclosure for installing at some distance from the point of measurement, explosion-proof enclosures for the remote electronics are also available.



MASTER-TOUCH™ MP Series Thermal Mass Flowmeters

Click on a picture below for larger, printable image. For best printing, select Landscape in Page Setup menu. Click your browser's "Back" button to return to this page.



Click on the links below for .pdf files:

- [Inline, Remote Electronics Specifications](#)
- [Insertion, Remote Electronics Specifications](#)
- [Inline, Integral Electronics Specifications](#)
- [Insertion, Integral Electronics Specifications](#)
- [Instruction Manual](#)

SPECIFICATION NOTICE

The specifications presented are subject to change without notice. EPI cannot guarantee the applicability or suitability of our products in all situations, since it is impossible to anticipate or control every condition under which our products and specifications may be used.

LIMITED WARRANTY

Eldridge Products, Inc. (EPI) warrants its products to be free from defects in materials and workmanship for one year from the date of factory shipment. If there is a defect, the purchaser must notify EPI of the defect within the warranty period. Upon receipt of the defective product, EPI will either repair or replace the defective product or refund the purchase price at its sole option. EPI MAKES NO OTHER WARRANTY, EXPRESS OR IMPLIED, AS TO THE PRODUCTS. EPI MAKES NO WARRANTY THAT THE GOODS SOLD TO ANY PURCHASER ARE FIT FOR ANY PARTICULAR PURPOSE. FURTHERMORE, EPI MAKES NO WARRANTY OF MERCHANTABILITY WITH RESPECT TO ANY PRODUCTS SOLD TO ANY PURCHASERS. There are no other warranties that extend beyond the description on any brochure or price quote.

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EXHIBIT 72



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ONE TOUCH Learning, Training and Communication Solution

One Touch provides virtual distance learning, training and communication system which allows you to produce and distribute high-quality video presentations while interacting with a large, distributed audience. Interaction can occur anytime and anywhere — via PC or in a classroom setting with the One Touch Site Controller and Keypads.

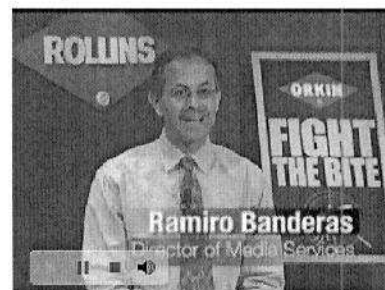
THE DESIGN PHILOSOPHY

One Touch technologies were designed to facilitate dynamic human interaction, with the "give and take" that human learning and understanding require. The system is structured around key learning principles, with a highly immersive approach: Visual Instruction, Interactivity and Accountability

THE BUSINESS VALUE

The extraordinary challenges of today's business environment fall into two categories: revenue growth and reducing costs. One Touch helps organizations achieve these goals with a competitive advantage by stretching the budget to train more people, more often, and with higher effectiveness.

What a Key Customer Says about OneTouch



Case Study: Executive MBA, Videoconferencing and One Touch (Click here)

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HTC Touch Cruise

Remember every step of every journey

Make memories last a lifetime with the GPS-enabled Touch Cruise™. No matter where you are, revolutionary HTC Footprints™ innovation is there to record every adventure in precise and vivid detail — down to the exact coordinate. Capture life's special milestones, share amazing experiences and create memorable stories that will last forever.

HTC Touch Cruise

- Overview
- Product Tour
- Photo Gallery
- Specification
- All Devices

Overview

The HTC Touch Cruise is intelligent enough to help you navigate from point A to point B, but that is just the beginning. With the introduction of HTC Footprints, you have a mobile phone that lets you grasp all the precious details of the instances that make up your life.

Your Life Chronicles

We all strive to capture and hang on to the moments that touch our life. The HTC Touch Cruise does just that. Take a picture and the HTC Footprints automatically saves your location. Embellish your instance further by adding the thoughts that surrounded that special moment. You can even grab the sound of your friend's laughter to go along with your memory.

The best part about HTC Footprints is that you can use them to find your way back to the hidden little cafe you visited last year, or the elm tree under which your loved one popped the big question. And if you want, you can simply flip through your collection and laugh about the times that helped create who you are today. HTC Footprints is like a journal of your life's highlights, making them always within your reach.





Your Travels, Now Made Easier

The navigation software of the HTC Touch Cruise makes it a breeze to get around town. The cool thing is that it now comes with a car kit that helps you get even more out of your smartphone while you're on the road. Simply put the Touch Cruise in the car kit holder and it automatically changes to NaviPanel mode. NaviPanel offers you a convenient one-touch interface to all the travel tools you need like GPS navigation shortcuts. Tap Go Home and the included software efficiently guides you to your destination. It even helps you locate services or avoid traffic jams on the way. But most importantly, it will never ever let you get lost.

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HELPFUL LINKS:

[Customer Service >](#)
[Order by Number >](#)
[Store Locator >](#)

SEARCH RESULTS:

Your search for "Smart Touch" did not return any results.

Search Tips:

- Make sure all words are spelled correctly.
- Try different keywords.
- Try more general keywords.
- Try fewer keywords.

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EXHIBIT 75



HELPFUL LINKS:

Customer Service >
Order by Number >
Store Locator >

SEARCH RESULTS:

Your search for Nartron did not return any results.

Search Tips:

- Make sure all words are spelled correctly.
- Try different keywords.
- Try more general keywords.
- Try fewer keywords.

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EXHIBIT 76



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0 items

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1-4 of 16 items



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8 1/2" x 11", Case

(1268)

[Details](#)



Marcal® 100%
Recycled Bath Tissue,
2-Ply

(10 reviews)

[Details](#)



Staples® Multipurpose
Paper, 8 1/2" x 11",
Case

(1689)

[Details](#)



HammerMill® Copy
Plus Copy Paper, 8
1/2" x 11", Case

(898 reviews)

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Staples makes buying office products easy.

From basic office supplies such as printer ink, toner cartridges and paper to office equipment like file cabinets, chairs, shredders and stylish office furniture, we have the office products you need to get the job done. You'll find great savings on the file folders, binders, address labels, and all the everyday supplies you need. Our wide selection of cleaning supplies, snacks, and refreshments make it easy to keep your breakroom clean and well stocked. Staples makes it easy to run your office.

Staples technology services and electronics will keep you on the cutting edge. Enjoy our everyday low prices on the newest technology products, from computers, netbooks and laptops to mp3 players, Bluetooth headsets and GPS systems. All this, plus the software titles you need from Microsoft, Norton, Quickbooks and more. Our wide selection of all in one printers, laser printers and inkjet printers will keep you printing for less. Staples makes technology easy.

From office supplies and office furniture to technology consulting, you're sure to find what you need at Staples.

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EXHIBIT 77

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Staples® Multipurpose
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Staples technology services and electronics will keep you on the cutting edge. Enjoy our everyday low prices on the newest technology products, from computers, netbooks and laptops to mp3 players, Bluetooth headsets and GPS systems. All this, plus the software titles you need from Microsoft, Norton, Quickbooks and more. Our wide selection of all in one printers, laser printers and inkjet printers will keep you printing for less. Staples makes technology easy.

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EXHIBIT 78



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Would you like to:

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Enter keyword or item #

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Customers Who Searched For "Smart Touch" Ultimately Purchased

Item #973201 Your Price\$34.99
Pack
Qty

Item #286498 Your Price\$169.99
Each
Qty

Item #277294 Your Price\$11.49
Each
Qty

Item #327366 Your Price\$999.91
Each
Qty

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD**

NARTRON CORPORATION,

Petitioner,

v.

HEWLETT-PACKARD DEVELOPMENT
COMPANY, L.P.,

Respondent.

Cancellation No. 92050789

Registration No. 3,600,880

Registration Date: April 7, 2009

Mark: **TOUCHSMART**

RESPONDENT'S NOTICE OF RELIANCE

EXHIBIT 79



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EXHIBIT 80

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smart, a.

SECOND EDITION 1989

(smæ:t) Forms: 1-2 **smeart**, 3 **smært**, 3-5 **smerte** (5 **smyrte**), 4-5 **smert** (5 **-tt**); 3- **smart** (4 **-tt**), 4-6 **smarte**. [OE. *smeart*, related to *smeortan* **SMART** *v.* Not represented in the cognate languages.]

I. †1. a. Of a whip, rod, etc.: Inflicting or causing pain; sharp, biting, stinging. *Obs.*

a1023 *WULFSTAN Hom.* (1883) 295 Ic wylle swingan eow mid þam smeartestum swipum. **a1175** *Cott. Hom.* 243 þu ahst to habben..Stede and twei sporen and ane smearte 3erd. **a1300** *Cursor M.* 15785 Wit maces and wit neues smert vn-rekenli on him [they] ran. **c1325** *Chron. Eng.* 929 He was yschote With an arewe kene ant smert. **c1440** *Pallad. on Husb.* I. 940 The Greek seith eek that if a cloude arise Of bresis smert [L. *locustarum*], men must in house hem hide. **1447** *O. BOKENHAM Seyntys* (Roxb.) 47 Whan he on ye crosse..Heng nakyd fastnyd wyth nayles smerte. **1593** *SHAKES. 2 Hen.* VI, III. ii. 325 Their softest Touch, as smart as Lyzards stings. **1671** *J. FLAVEL Fount. Life* xvi. (1836) 143 Sometimes he spares their outward, and afflicts their inner man, which is a much smarter rod.

†b. Sharp or rough to the touch. *Obs.*

c1400 *Destr. Troy* 924 þis stone.., Be it smethe owþer smert, smaragden hit hat.

†c. Severe or hard *on* or *upon* one. *Obs.*

1549-62 *STERNHOLD & H. Ps.* xxxii. 4 Thy hand on me so grievous was and smart. **1648** *BP. HALL Breathings Devout Soul* (1851) 164 When thy hand hath been smart and heavy upon me.

2. Of blows, strokes, etc.: Sufficiently hard or severe to cause pain. (In later use approximating to sense 5.) Also in fig. contexts.

c1200 *Trin. Coll. Hom.* 207 þenne me hine pined mid..smerte smiten of

smale longe 3erden. **c1205** LAY. 21364 [They] uppen Colgrime smiten mid swiþe smærte biten. **a1300** *Cursor M.* 25543 Iesu..Sufferd..Dintes sare and smert. **13..** *Sir Beues* 2883 Beues þanne wiþ strokes smerte Smot þe dragoun to þe herte. **c1400** *Rule St. Benet* 22 Yef any be tane ofte in faute,..wyd smerte beting sal sho be chastyd. **c1435** *Torr.* *Portugal* 2572 Smert boffettes they yeldyd there. **1602** *SHAKES.* *Ham.* III. i. 50 How smart a lash that speech doth giue my Conscience? **1658** *SIR T. BROWNE* *Hydriot.* iv. (1736) 45 The smartest Strokes of Affliction leave but short Smart upon us. **1764** *REID Inquiry* v. §6 Suppose him first to be pricked with a pin—this will, no doubt, give a smart sensation. **1841** *LANE Arab. Nts.* (Rtldg.) 12 Take a good-sized stick, and give her a smart thrashing. **1859** *GEO. ELIOT A. Bede* xxx, When a man's got his limbs whole, he can bear a smart cut or two.

†3. Of pain, sorrow, wounds, etc.: Sharp, keen, painful, severe. *Obs.*

a1300 *Cursor M.* 58 Wyt chaunce of ded, or chaunce of hert, þat soft began has endyng smart. **c1369** *CHAUCER* *Dethe Blaunche* 507 Hym thought hys sorwes were so smerte. **c1420** *Chron. Vilod.* 1787 Of goddus Passion..& of his wo & of his woundys hard and smert. **c1485** *Digby Myst.* (1882) IV. 192 The sorow of your harte Makes my passion mor bitter & mor smarte. **1513** *DOUGLAS* *Aeneid* v. xii. 63 The fadir Eneas, smyt with this smart cais. **1678** *Lively Oracles* III. §5. 264 That long train of smart calamities which succeeded his sin. **1688** *BUNYAN* *Jerus. Sinner Saved* (1886) 64 The gospel..threateneth them with the heaviest and smartest judgments.

4. a. Of words, etc.: Sharp, severe; cutting, acrimonious. Now *rare*.

a1300 *Cursor M.* 3034 Abraham..thoght þis wordes war to smert. **13..** *Ibid.* 12084 (Gött.), Thoru bolning of his hert, To ioseph spac he wordes ouer smart. **1625-8** tr. *Camden's Hist. Eliz.* III. (1688) 269 A Book which was written..against the Marriage in a smart and stinging Style. **1639** *FULLER* *Holy War* II. xxiv, He would often give a smart jest, which would make the place both blush and bleed where it lighted. **1726** *SWIFT* *Gulliver* II. iii, He seldom failed of a smart word or two upon my littleness. **1751** *Narr. H.M.S. 'Wager'* 128 This smart Remonstrance touch'd the Lieutenant to the very Heart. **1825** *Gentl. Mag.* XCV. I. 397 'To start' is to apply a smart word to an idle or forgetful person. **1842** *S. LOVER* *Handy Andy* xviii, The crowd ceased its noise when the two Squires were seen engaged in exchanging smart words.

†b. Sharp in criticism or comment *upon* one.

1692 WASHINGTON tr. *Milton's Def. People Eng.* iii. Wks. 1851 VIII. 75 The Lawyer, whoever he be, that you are so smart upon, was not so much out of the way. **1699** BENTLEY *Phal.* 390 He fansied, he was very smart upon me; but as it generally happens with him, he lashes himself.

5. Brisk or vigorous; having a certain degree of intensity, force, strength, or quickness: **a.** Of natural forces or processes.

13.. K. Alis. 1184 (Bodl. MS.), To mouþe he sett his Olyfaunt, He blowep smert & loude sounes. **c1340** HAMPOLE *Pr. Consc.* 3257 Thai er dungen..With smert stormes als of wynd and rayn. **c1386** CHAUCER *Can. Yeom. Prol. & T.* 215 What sholde I tellen..of the esy fir, and smart also, Which that was maad? **a1400-50** Alexander 1309 Quen it was smeten in small with þe smert wazes. **1672** SIR T. BROWNE *Lett. Friend.* xii. 136 Sepulchral fires and smart flames. **1692** RAY *Disc.* II. ii. (1732) 107 A smart and continued Rain. **1711** SWIFT *Jrnl. to Stella* 31 Jan., We are here in as smart a frost for the time as I have seen. **1726** T. SMITH *Jrnl.* (1849) 265 This has been a very smart, close winter. **1800** *Med. Jrnl.* V. 31 They..had a smart fever for three days, and then an eruption. **1808** *Ibid.* XIX. 106 Leaving for him two smart purges of calomel and jalap. **1829** *Chapters Phys. Sci.* 463 It demonstrates its presence both by a sudden flash and a smart report. **1875** *Ure's Dict. Arts* III. 1055 The assistant must look to the oil, and bring it to a smart simmer.

b. Of liquor, with reference to its effect on the palate.

1648 J. BEAUMONT *Psyche* IX. lxxxi, A flood, to which..smart Gall is dropping Myrrh. **1664** POWER *Exp. Philos.* I. 33 Both in the keenest and smartest, as well as in the weakest and most watrish Vineger. **1710** T. FULLER *Pharm. Extemp.* 3 The smarter and staler [ale is], the more it openeth and detergeth. **1760-2** GOLDSM. *Cit. W.* lv. (Globe) 177/1 It will eat best with some smart bottled beer. **1818** KEATS *Lett.* Wks. 1889 III. 166 We have now begun upon whisky,..very smart stuff it is.

c. Of encounters, attacks, etc.

a1700 EVELYN *Diary* 2 July 1685, There was a smart skirmish. **1716** CHURCH *Philip's War* (1865) I. 125 In the Evening they heard a smart firing at a distance from them. **1791** GOUV. MORRIS in *Sparks Life & Writ.* (1832) II. 137 A good smart action would be useful rather than pernicious. **1813** *Sporting Mag.* XLII. 68 Cooper planted a smart hit on his adversary's neck. **1844** H. H. WILSON *Brit. Ind.* II. 51 A smart affair with the enemy took place. **1885** *Manch. Exam.* 21 Mar. 6/2 A smart

passage at arms between his Grace and Lord Bramwell.

6. a. Pretty steep. Now *dial.* or *colloq.*

1668 R. LASSELS *Voy. Italy* (1698) I. 44, I went up a smart hill called Mount Aurigo. **1904** in *Eng. Dial. Dict.*

b. Sharp, abrupt, clearly outlined. *rare.*

1753 HOGARTH *Anal. Beauty* xiii. 182 These objects which..come forwardest to the view, must have large, strong, and smart oppositions. **1784** J. BARRY *Lect. Art* v. (1848) 187 The cast and manner of their several foldings, some more smart and frequently interrupted, others more flowing. **1870** G. M. HOPKINS *Jrnl. & Papers* (1959) 201 The day had been very bright and clear, distances smart.

7. a. Considerable (in number, amount, extent, etc.). Chiefly *dial.* and *U.S.*

Bartlett Dict. Amer. (1848) 313 gives various quotations, including three for a *smart chance* in the sense of 'a good deal, a large quantity', etc.

1778 S. FOOTE *Devil upon Two Sticks* II. 44 in *Wks.* IV, [Scot loq.] Ah! for the mater of that, it is a praty smart little income. **1839** SIR G. C. LEWIS *Gloss. Heref.* s.v., 'A smart few' means a considerable number. **1855** THACKERAY *Newcomes* lxxx, Madame..left a smart legacy to the..children. **1882** *Mrs. Raven's Temptation* I. 276 Hope you will get a smart fee with it.

b. So *right smart*; also as *n.*, a good deal. *U.S.*

1842 J. S. BUCKINGHAM *Slave States of America* II. 327, I asked here, whether the people made much maple-sugar in this neighbourhood; when the gentleman..answered, 'Yes, they do, I reckon, right smart.' **1856** MRS. STOWE *Dred* II. xvi. 162, I sold right smart of eggs des yere summer. **1857** OLMSTED *Texas* 301 A 'right smart chunk of bacon'. **1863** S. L. J. *Life in South* I. vii. 91 We have read right smart of that book. **1879** TOURGEE *Fool's Errand* (1880) 88 Directing the work, and, Yankee-like, 'doing right smart of it' himself, as they say here. **1932** W. FAULKNER *Light in August* i. 25 There is a right smart of folks in Jefferson I don't know. **1938** M. K. RAWLINGS *Yearling* vi. 54 'Howdy, Mr. Forrester. Proud to see you. How's your health?' 'Howdy, sir. I'm right smart tol'able, seein' as how I be near about done for.' **1949** L. NORDYKE *Cattle*

Empire 81 Heard a right smart about you, Pincham.

II. 8. Pert, forward, impudent. *Obs. rare exc. pred. in to be or get smart* (U.S.).

13.. *K. Alis.* 4160 (Bodl. MS.), Darrie was wel sore anoyede..And seide, ‘of tale þou art smart’. **c1449** *PECOCK Repr.* I. i. 5 In this trowing and holding thei ben so kete and so smert and so wantoun. **1607** *TOPSELL Four-f. Beasts* (1658) 114 The curst, sharp, smart,..implacable and wanton-rowling-eyed Women. **1933** *E. O’NEILL Ah, Wilderness* II. 60 Tommy... Uncle Sid’s soused again. Mrs. Miller... You be quiet! Did I ever! You’re getting too smart! **1955** *W. C. GAULT Ring around Rosa* v. 59 Don’t get smart, Callahan. **1956** *B. HOLIDAY Lady sings Blues* (1973) i. 4 This time Cousin Ida beat me for being smart with her.

9. a. Of persons: Quick, active; prompt.

a1300 *Cursor M.* 7168 Sampson, þat was selcuth smert, Vte o þair handes son he stert. **c1380** *Sir Ferumb.* 5575 þe Sarzyn, þat was fers & smert, howel oppon þe helm he gert. **a1500** *How good wife taught her daughter* 194 in *Q. Eliz. Acad.* 50 When þi seruantes haue do þer werke, To pay þer hyre loke þou be smerte. **1530** *PALSGR.* 324/2 Smarte, swyfte, sodayn. **1655** *FULLER Ch. Hist.* IV. iii. §1 This year began the smart and active Councel of Basil. **1687** tr. *Sallust* (1692) 96 All the while Catiline, with the most active and smartest of his followers kept still in the head of his Men. **1847** *C. BRONTË J. Eyre* iv, Bessie Lee..was smart in all she did. **1899** *F. T. BULLEN Log of Sea-waif* 342 We were mighty smart getting under way.

b. transf. Of things.

a1325 tr. *Stat. Westm.* 11c. 26 (MS. Rowl. B. 520lf. 20b), þer nis no writ..ware þoru þe plaintiffs habbez smarttere riȝt þane þoru þe writ of nouele disseisine. **1658** *SIR T. BROWNE Hydriot.* Introd., Water hath proved the smartest Grave; which in Forty Days swallowed almost Mankind.

c. Healthy, well. *U.S.*

1788 *J. MAY Jrnl.* 31 Aug. (1873) 116 Didn’t feel smart enough to go to meeting. **1832** *J. J. STRANG Diary* 23 Aug. in *M. M. Quaife Kingdom of St. James* (1930) 205 This commenced the sickest day I ever suffered since my remembrance but now (evening) I am again smart for a sick

person. **1956** B. HOLIDAY *Lady sings Blues* (1973) i. 1 By the time she worked her way out of hock in the hospital and took me home to her folks, I was so big and smart I could sit up in a carriage.

10. a. Clever, capable, adept; quick at devising, learning, looking after oneself or one's own interests, etc. In later use chiefly *U.S.*

1628 SIR R. LE GRYS *Barclay's Arg.* 81 For he a smart young man, and of great iudgement,..held vp the Kings side. **1656** USSHER *Ann.* VI. (1658) 525 Being.. loath to engage in fight with Fimbria, who was both a smart fellow, and a Conqueror to boot. **1709** STEELE *Tatler* No. 26 ¶5 [He] is what we most justly call, a Smart Fellow. **1786** M. CUTLER in *Life, Jrnls.*, etc. (1888) I. 189 Those of my subscribers who are smart, able men, I have told shall have an equal chance with other proprietors. **1844** MRS. HOUSTON *Yacht Voy. Texas* II. 215 The Opossum is held in great respect by the Yankees, as a particularly 'smart' animal. **1888** BRYCE *Amer. Commw.* (1890) II. lxxv. 484 In America every smart man is expected to be able to do anything he turns his hand to.

b. Marked by special skill or dexterity.

1895 *Daily News* 17 May 3/7 Chatterton being out to a very smart catch at mid-on.

c. Of a device: capable of some independent and seemingly intelligent action. Cf. *smart bomb* in sense 15 below.

1972 *Proc. IEEE* LX. 1282/1 The term 'smart terminal' is used here to identify an interactive terminal in which part of the processing is accomplished by a small computer or processor contained within the terminal itself. **1977** *Sci. Amer.* Sept. 188/1 When smart traffic signals become ubiquitous and are linked to a control center, the traffic cop at the intersection will become obsolete. **1980** *Economist* 15 Mar. 84/3 Tomorrow's vehicles are likely to have a series of 'smart' transducers attached to the engine, gear-box, brakes, etc, all sending coded messages via a common wire to the dashboard. **1982** *Times* 1 June 15/5 Smart sensors ensure a direct hit on a target.

11. a. Clever in talk or argument; capable of making witty remarks; good at repartee.

1639 MASSINGER *Unnatural Combat* IV. ii, A smart quean! **1695** J. EDWARDS *Perfect. Script.* 514 The younger Vossius is a smart advocate

for the Septuagint. **1727** POPE, etc. *Art of Sinking* 109 It is by virtue of this style that..Tully is as short and smart as Seneca. **1753** J. COLLIER *Art of Torment*. (1811) 194 This, I have been told, is what they call being smart in company. **1778** F. BURNEY *Evelina* lxiv, You're so smart there's no speaking to you. **1895** *19th Cent.* Aug. 324 He is decidedly smarter as an all-round talker.

b. Of sayings, etc.: Clever, pointed; witty.

1656 EARL OF MONMOUTH tr. *Boccalini's Advts. fr. Parnass.* I. lv. (1674) 71 We find some Histories..abounding in smart Politick Precepts. **1673** *S'too him Bayes* 19, I acknowledge this Expression to be nice and smart. **1734** tr. *Rollin's Anc. Hist.* (1827) VI. xv. 2 Cicero, who ascribes this saying to Timæus, declares it a very smart one. **1752** JOHNSON *Rambler* No. 194 ¶11 He mistakes the question, that he may return a smart answer. **1824** DIBDIN *Libr. Comp.* 539 A short, but smart notice of him. **1865** DICKENS *Mut. Fr.* I. x, She has a reputation for giving smart accounts of things. **1874** L. STEPHEN *Hours Libr.* (1892) II. vi. 188 Mandeville..passes off his smart sayings upon the public as serious.

12. a. Alert and brisk; esp. combining briskness with neatness or trimness of appearance.

1602 MARSTON *Ant. & Mel.* III. Wks. 1856 I. 37, I..Strook a faire wench with a smart speaking eye. **1683** WOOD *Life* 9 Sept., The smart lads of the city march'd downe the streets with cudgells in their hands. **1784** COWPER *Task* IV. 648 He hates the field,..And sighs for the smart comrades he has left. **1827** O. W. ROBERTS *Voy. Centr. Amer.* 80 Sufficient [room] for a smart vessel to work in or out. **1865** KINGSLEY *Herew.* v, To a tight smart Viking's son. **1884** *Pall Mall G.* 29 Aug. 1/2 The Egyptian soldier is..smart, clean, and cheap.

b. Neatly and trimly dressed.

1789 MRS. PIOZZI *Journ. France* II. 204 We observed..how the town was become neater, the ordinary people smarter. **1806** BERESFORD *Miseries Hum. Life* II. xxiii, Walking out to dinner, clean and smart. **1848** DICKENS *Dombey* ix, He became a little smarter in his dress. **1888** *Poor Nellie* 127 Adela had noticed how smart he looked.

c. Of dress, etc.: Neat and trim; stylish.

(a) **1716** DARRELL *Gentl. Instr.* (ed. 3) III. i. 476 Nothing would please his

Worship, but Smart Shooes, Smart Hats, and Smart Cravats... The truth is he had been bred up with the Groom, and transplanted the Stable-dialect into the Dressing-room. **1754** FIELDING *J. Wild* I. x, A blue plush coat,..a smart sleeve, and a cape. **1823** SCOTT *Quentin D.* ii, The smart blue bonnet..was already recognized as the Scottish head-gear. **1859** W. COLLINS *Q. of Hearts* (1875) 23 The man..had a collection of smart little boots and shoes.

(b) **1823** CT. DE SOLIGNY *Lett. Eng.* II. lxxviii, Looking out on the smart shops, the nicely paved streets. **1851** HAWTHORNE *Twice-t.* *Tales* I. xvi. 252 There, in a smart chaise, a dashing dressed gentleman and lady. **1894** SIR J. D. ASTLEY *Fifty Yrs. Life* I. 94 We put up at a very smart hotel.

(c) **1864** D. G. MITCHELL *Sev. Stor.* 3 One of them..is bound in smart red leather. **1888** *Poor Nellie* 8, I will make a cover for them,..a smart one of blue velvet.

13. Fashionable, elegant, esp. in a very high degree. (Common in recent use, from c1882.)

The reappearance of the word in this sense was the subject of much comment and criticism in newspapers, etc., from about 1885, and the phrases **smart people**, **smart society**, **the smart set**, etc., have been commonly used as a general designation for the extremely fashionable portion of society (sometimes with implication of being a little 'fast').

1718 *Freethinker* No. 158 A Cluster of smart Men, in tawdry Dresses, with little Rapiers. **1793** A. SEWARD *Lett.* (1811) III. 275 This beach..covered with smart people, and with equipages. **1845** M. J. HIGGINS *Ess.* (1875) 24 They..got my wife invited to several very smart balls. **1881** MALLOCK *Romance 19th Cent.* I. 97, I have seen plenty of smart society. *Ibid.* II. 254 Many smart people were shy of Mrs. Crane. **1885** E. W. HAMILTON *Diary* 20 May (1972) II. 867 Dined at Brook House... This is a house at which one meets the 'grand set' as distinct from the 'smart set'—two totally different sections of the best London Society. **1900** *Smart Set* Apr. 137 The Smart Set of London has for the last ten or fifteen years..been the chief influence of our English playwrights, plays and players. **1937** K. BLIXEN *Out of Africa* I. i. 12 Our Quasi Smart Set of the Colony. **1949** P. HASTINGS *Cases in Court* v. 265 Mrs Barney's family were well-known in Mayfair and both Mrs Barney and the dead man were notorious members of the so-called young 'smart set'. **1974** P. DICKINSON *Poison Oracle* ii. 66 Dinah [sc. an ape]..had indeed left the slums to join the evolutionary smart set, Man. **1981** *V.*

GLENDINNING *E. Sitwell* ix. 131 Edith's interest in the intrigues of the smart set was minimal.

14. Comb., as *smart-looking, -suited, -tongued, -witted*.

1601 B. JONSON *Poetaster* IV. v, A good smart-tongued Goddess. **1770** 'P. PENNYLESS' *Sentimental Lucubrations* ii. 31 A smart-looking waiter came up to me. **a1859** in Bartlett *Dict. Amer.* (ed. 2) s.v., A powerful smart looking chunk of a pony. **1897** *Daily News* 28 Sept. 2/1 That friendly, but smart-witted Power. **1922** JOYCE *Ulysses* 249 James's wax smartsuited freshcheeked models.

15. Special collocations: *smart bomb*, a powered missile which is guided to its target by an optical system; ***smart money*** *U.S.*, money bet or invested by persons with expert knowledge; *transf.* knowledgeable persons; ***smart mouth*** *U.S. slang*, one who is good at repartee, one who gives cheek; so ***smart-mouth*** *v. trans.* to be cheeky to, to be witty at the expense of; ***smart-mouthed*** *a.*

1972 *Guardian* 29 June 4/2 Three out of four [missions] have been using 'smart' bombs. **1975** *N.Y. Times* 8 Sept. 2/4 Since 1973 the Israeli Air Force has been furnished with a variety of 'smart bombs' guided by laser beams of television. **1982** *Sunday Tel.* 9 May 17/5 The American 'smart' bomb, which homes on a laser beam shone on to the target by a spotter aircraft.

1926 *Amer. Mercury* Dec. 464/2 In referring to money wagered by persons with good tips or information, the term used is *smart money*. **1930** W. R. BURNETT *Iron Man* I. 5 'Well,' said Regan, 'all the smart money's on the black boy.' **1947** *Sun* (Baltimore) 6 Aug. 10/5 Bookmakers and layoff men are gamblers and many times they add personal wages to 'smart money'. **1977** H. FAST *Immigrants* II. 87 Germany has declared war on Russia, and the smart money says that this is only the beginning. **1981** *Times* 7 Nov. 6/8 Mr Weinberger..is close to the President..much closer than Mr Haig has ever been. In a battle for Mr Reagan's ear, all the smart money would be on Mr Weinberger.

1968 *Sun Mag.* (Baltimore) 13 Oct. 19/1, I was a smart mouth, a troublemaker in school. **1976** R. B. PARKER *Promised Land* (1977) xii. 65 Don't smart-mouth me, man. You wising off at me? **1978** J. L. HENSLEY *Killing in Gold* (1979) viii. 97 He..beat up three kids..when one of them smart-mouthed him.

1976 *Publishers Weekly* 19 Apr. 82/3 Smart-mouthed film critic for *Gotham* magazine. 1978 J. IRVING *World according to Garp* xii. 229 Some smart~mouthed motorist..will..ask., 'What are you in training for?'

ADDITIONS SERIES 1993

smart, a.

Add: [II.] [15.] **smart card** (also **smartcard**) orig. *U.S.* [cf. *INTELLIGENT* a. 5], a plastic bank card or similar device with an embedded microprocessor, used in conjunction with an electronic card-reader to authorize or provide particular services, esp. the automatic transfer of funds between bank accounts.

1980 *N.Y. Times* 14 Dec. III. 4/3 They preferred to write checks, knowing these would not clear until the next pay check had arrived. '*Smart card' holders could react the same way. 1983 *Electronics* 10 Mar. 52 The Army started to explore the smart card in January 1982 as a complete records-keeping vehicle. 1984 *New Scientist* 8 Mar. 25/2 The most recent, and most adventurous approach to credit cards is the 'smartcard', with built in microchip. 1988 *Times* 23 Feb. 30/7 The beauty of the algorithm..is that it can be built into hardware that will fit even on 'smart cards', and enables the identity of end-users to be checked in less than a second.

DRAFT ADDITIONS DECEMBER 2007

smart, adj.

► **smart dust** *n.* *Telecommunications* a collection of very small computerized sensors capable of wireless communication, designed to act as a dispersed network.

1998 V. S. HSU et al. in *Univ. Calif., Berkeley: Electronics Res. Lab. Memo. M98/2* (title) Wireless communications for *smart dust. 2000 *N.Y. Times* 31 Dec. IV. 4/3 Clouds of 'smart dust'—tiny computers and sensors each a cubic millimeter in size—will course through the skies monitoring the weather or the traffic below. 2005 *Electronic Business* (Nexis) 1 Jan. 12 The smart dust networks are built from simple

components, including a low-power radio that stays in contact with the next radio in the chain. Each node, or mote, collects data and passes it on through the network until it reaches a point where the data can be processed. **2006** *Times* (Nexis) 14 Feb. 7 Developed by the US military to give blanket coverage to areas under surveillance, smart-dust sensors could eventually be the size of a pinhead.

► **smart gun** *n.* a (hypothetical) gun incorporating technology that renders it capable of seemingly intelligent action; *spec.* a gun that can be fired only by an authorized user.

1986 *Los Angeles Times* (Nexis) 13 July 24 Director Cameron had worked hard to create the ‘*Smart-gun’ that Weaver and others used so frequently. **1993** *CNN News* (transcription of TV programme) (Nexis) 5 June, A so-called smart gun—a firearm that can only be discharged by its owner. **1998** *Guardian* 23 Oct. I. 17/2 Several other companies are pursuing different smart gun technologies, including one that depends on recognising a gun owner's fingerprints, and one that recognises the owner's hand size.

► **smartphone** *n.* any of various telephones enhanced with computer technology; (now) *spec.* a type of mobile phone which incorporates the functions of a palmtop computer, personal digital assistant, or similar device.

1978 *Business Week* (Nexis) 19 June 92B, ‘Only God knows what the applications could be’ for *smart phones. **1997** *Computing* 6 Nov. 3/5 It said sales of smart phones—mobile phones loaded with data communications software—will nearly treble next year. **2005** *Men's Health* June 50/4 This multimedia widescreen smartphone..also has handwriting recognition.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD**

NARTRON CORPORATION,

Petitioner,

v.

HEWLETT-PACKARD DEVELOPMENT
COMPANY, L.P.,

Respondent.

Cancellation No. 92050789

Registration No. 3,600,880

Registration Date: April 7, 2009

Mark: **TOUCHSMART**

RESPONDENT'S NOTICE OF RELIANCE

EXHIBIT 81

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5 or more hours 2 hours 1 hour

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Emoticons
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[Home](#) > [Dictionary](#) > [All](#) > [Others](#) > smart

Search for Dictionary terms (regular expression allowed)

search...

☒ Begins with ☐ Contains ☐ Exact term ☐ Sounds like

Add Word 

All | 0-9 | & | (| - | . | @ | A | B | C | D | E | F | G | H | I | J | K | L | M | N | O | P | Q | R | S |
T | U | V | W | X | Y | Z | ~

All

Word

smart

Explanation

In computer technology, a relative term, indicating how sophisticated a program or machine is and how many capabilities it has. A "smart missile" is one that is guided electronically, as opposed to a non-hi-tech missile; "smart modems" have more capabilities and can be programmed to make more decisions than earlier modems.

Categories List

- | | | |
|-----------------|-------------------------|----------------------|
| 1) Y2K Terms | 2) Emoticons | 3) Chat Stuff |
| 4) HTML Tags | 5) File Types | 6) Domains |
| 7) Virus Terms | 8) Communications | 9) Electronics |
| 10) Hardware | 11) Networking/Security | 12) Software |
| 13) Programming | 14) Opensource | 15) Database |
| 16) Internet | 17) Wireless | 18) Mobile Computing |
| 19) Graphics | 20) Multimedia | 21) Gadgets |
| 22) Others | 23) VOIP | 24) Adobe |
| 25) Apple Mac | 26) Autodesk | 27) Cisco |
| 28) Citrix | 29) Google | 30) IBM |
| 31) Microsoft | 32) Oracle | 33) PHP |
| 34) SUN | 35) Imac | |

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We have 605 guests online

Q Have you seen the following brand(s) of tires advertised online in the past 30 days?

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☐ Michelin

☐ BF Goodrich

☐ Bridgestone

☐ Firestone

☐ Don't know / Other

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1/6

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ACD Canvas is a graphics, publishing, and imaging product for personal computers.

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD**

NARTRON CORPORATION,

Petitioner,

v.

HEWLETT-PACKARD DEVELOPMENT
COMPANY, L.P.,

Respondent.

Cancellation No. 92050789

Registration No. 3,600,880

Registration Date: April 7, 2009

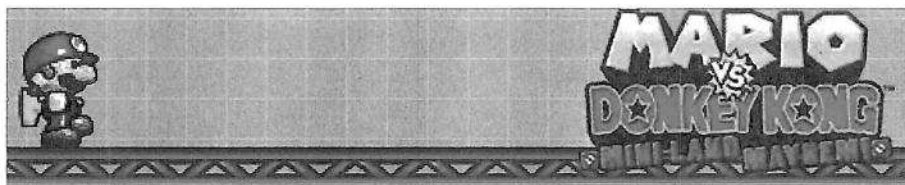
Mark: **TOUCHSMART**

RESPONDENT'S NOTICE OF RELIANCE

EXHIBIT 82



m-w.com



Word Games

Word of the Day

New Words & Slang

Video



smart

Subrr

smart

12 ENTRIES FOUND:

1) **smart** (adjective)2) **smart** (verb)3) **smart** (noun)

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1 ridiculously huge coupon a day. It's like doing The Bay at 90% off!

www.Groupon.com/San-Francisco¹smart *adj* \ˈsmärt\

Definition of SMART

- 1 : making one smart : causing a sharp stinging
- 2 : marked by often sharp forceful activity or vigorous strength
<a *smart* pull of the starter cord>
- 3 : BRISK, SPIRITED <a *smart* pace>
- 4 **a** : mentally alert : BRIGHT
b : KNOWLEDGEABLE
c : SHREWD <a *smart* investment>
- 5 **a** : WITTY, CLEVER <a *smart* sitcom>
b : PERT, SAUCY <don't get *smart* with me>
- 6 **a** : NEAT, TRIM <soldiers in *smart* uniforms>

Things You Didn't Know Have Names, Vol. 2

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To School
With Grants?
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26	
27	
28	
29	
30	v

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b : stylish or elegant in dress or appearance

c (1) : appealing to sophisticated tastes (2) : characteristic of or patronized by fashionable society

7 a : being a guided missile <a laser-guided *smart* bomb>

b : operating by automation <a *smart* machine tool>

c : INTELLIGENT 3

— **smart-ly** *adverb*

— **smart-ness** *noun*

Examples of SMART

Poodles are said to be *smart* dogs.

That was a *smart* investment.

He gave her a *smart* answer.

Origin of SMART

Middle English *smert* causing pain, from Old English *smeart*; akin to Old English *smeortan*

First Known Use: before 12th century

Related to SMART

Synonyms: dapper, natty, sharp, snappy, spruce

Antonyms: disheveled (*or* dishevelled), frowsy (*or* frowzy), sloppy, slovenly, unkempt

[+] more

Rhymes with SMART

art, cart, chart, Chartres, dart, fart, hart, Harte, heart, kart, mart, part, start, tart

Browse

Next Word in the Dictionary: smart aleck

Previous Word in the Dictionary: smarmy

All Words Near: smart

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD**

NARTRON CORPORATION,

Petitioner,

v.

HEWLETT-PACKARD DEVELOPMENT
COMPANY, L.P.,

Respondent.

Cancellation No. 92050789

Registration No. 3,600,880

Registration Date: April 7, 2009

Mark: **TOUCHSMART**

RESPONDENT'S NOTICE OF RELIANCE

EXHIBIT 83

**UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD**

NARTRON CORPORATION

Petitioner,

v.

Cancellation No. 92050789

**HEWLETT-PACKARD
DEVELOPMENT COMPANY, L.P.,**

Respondent.

PETITIONER'S INITIAL DISCLOSURES

Pursuant to 37 CFR § 2.120(a)(3) and Fed. R. Civ. P. 26(a)(1), Petitioner, Nartron Corporation ("Nartron"), hereby makes the following initial disclosures:

A. Individuals Likely To Have Discoverable Information

Nartron believes that the following individual is likely to have discoverable information that Nartron may use to support its claims:

1. Norman A. Rautiola, Chief Executive Officer of Nartron Corporation, 5000 North US 131, Reed City, Michigan 49677, has knowledge of Nartron's SMART TOUCH trademark and the marketing, distribution and sales of Nartron's products, including its SMART TOUCH products.
2. John Washeleski, Senior Vice President of Engineering of Nartron Corporation, 5000 North US 131, Reed City, Michigan 49677, also has knowledge of Nartron's SMART TOUCH trademark and the marketing, distribution and sales of Nartron's products, including its SMART TOUCH products.

B. Documents And Tangible Things

Nartron identifies the following categories of documents which Nartron may use to support its claims:


1. documents and things concerning Nartron's federal trademark applications and registrations for SMART TOUCH;
2. documents and things concerning Nartron's use of its SMART TOUCH trademark;
3. documents from the file history for Hewlett-Packard Development Company's ("HP") TOUCHSMART registration with the US Trademark Office, which is the subject of this Cancellation; and
4. documents and things concerning HP's use of TOUCHSMART.

The above identified documents are in the possession, custody, or control Nartron or its attorneys.

Nartron has undertaken a diligent search for documents in its possession, custody, or control it may use to support its claims and describes them herein by category. Nartron, however, reserves the right to supplement this list through discovery as issues develop and/or as additional documents become known and/or relevant to its claims.

Respectfully submitted,

BROOKS KUSHMAN P.C.

By: 

ROBERT C.J. TUTTLE
HOPE V. SHOVEIN
1000 Town Center
Twenty-Second Floor
Southfield, Michigan 48075

Attorneys for Petitioner

Dated: July 22, 2009

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of **PETITIONER'S INITIAL DISCLOSURES** has been served on July 22, 2009 by:


_____ delivering
X mailing (via First Class Mail)

a copy to:

Mr. Jeffrey E. Faucette
Ms. Diani D. DiGennaro
HOWARD, RICE, NEEROVSKI
CANADY, FALK & RANKIN
Three Embarcadero Center, 7th Floor
San Francisco, CA 94111
jfaucette@howardrice.com
ddigennaro@howardrice.com

Attorneys for Registrant

A copy has also been served on Registrant's attorneys by email on this date in accordance with the agreement made between Petitioner and Registrant during the initial discovery conference.



Hope V. Shovein

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD**

NARTRON CORPORATION,

Petitioner,

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HEWLETT-PACKARD DEVELOPMENT
COMPANY, L.P.,

Respondent.

Cancellation No. 92050789

Registration No. 3,600,880

Registration Date: April 7, 2009

Mark: **TOUCHSMART**

RESPONDENT'S NOTICE OF RELIANCE

EXHIBIT 84

**UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD**

NARTRON CORPORATION

Petitioner,

v.

Cancellation No. 92050789

**HEWLETT-PACKARD
DEVELOPMENT COMPANY, L.P.,**

Respondent.

**PETITIONER'S RESPONSES TO RESPONDENT
HEWLETT-PACKARD DEVELOPMENT COMPANY, L.P.'S
FIRST SET OF INTERROGATORIES**

INTERROGATORY NO. 1

Identify each Person who participated in the selection and/or creation of the SMART TOUCH Mark.

RESPONSE:

Norman A. Rautiola.

INTERROGATORY NO. 2

Describe in detail Your reasons for adopting the SMART TOUCH Mark.

RESPONSE:

The mark SMART TOUCH is distinctive of, *inter alia*, "electronic proximity sensors and switching devices."

INTERROGATORY NO. 3

Describe each variation of the SMART TOUCH Mark You have used, and explain the reasons for any changes to the mark.

RESPONSE:

Nartron's use of the basic "SMART TOUCH" presentation format shown on documents produced in this proceeding has been substantially continuous since adoption of the mark.

INTERROGATORY NO. 4

Describe in detail each good or service that You have promoted under the SMART TOUCH Mark, including the periods of time during which You promoted each such good or service.

RESPONSE:

Nartron has used its SMART TOUCH trademark for well over 20 years. Therefore, a comprehensive identification and description of "*each good or service*" of Nartron Corporation sold in connection with the SMART TOUCH trademark is unreasonably broad and burdensome. Nartron will provide a representative sampling of the information sought by this interrogatory which should be sufficient to meet the discovery needs of Hewlett-Packard.

Nartron designs, engineers, develops, manufactures and sells electronic products that "sense-compute-control." These products include electronic proximity sensors and switches that may be integrated with programmable logic devices. Nartron's flagship product trademark for switches and proximity sensors is "SMART TOUCH." A Nartron company brochure listing Nartron's "Capabilities," and listing Nartron's products by application will be produced concurrently.

Nartron's SMART TOUCH electronic proximity sensors and switching devices have a wide range of product applications. This is explained in the Nartron data sheet titled "Smart Touch® Keypad Part No. 1310674," to be produced concurrently. The Nartron data sheet explains in relevant part:

Smart Touch® enables a person to use fingers to control computer software through a display screen. A key feature of Smart Touch® allows multiple touches simultaneously or sliding fingers across a screen. Applications include the automobile IP [instrument panel], radio and HVAC controls.

Nartron brochures that illustrate exemplary applications of Nartron's SMART TOUCH products will be produced concurrently (if not already produced in opposition to HP's summary judgment motion. The brochure titled "Virtual Touchpad," shows application of Nartron's SMART TOUCH products in an automotive window pad control. The brochure titled "Connecting you

with your vehicle . . .,” shows six different applications of SMART TOUCH technology in an automotive environment. The brochure titled “Solid State Sensor System” explains numerous potential product applications in a diverse range of fields. The brochure titled “Zero Force Palm Button Switch” shows the SMART TOUCH product technology in replacement of push button switch operations.

Additionally, Nartron has promoted its SMART TOUCH products with other companies, such as General Electric. Documents corroborating this fact will be produced concurrently.

INTERROGATORY NO. 5

Identify each Person most knowledgeable of Petitioner's use of the SMART TOUCH Mark for each of the goods and services identified in Interrogatory No. 4.

RESPONSE:

Norman A. Rautiola.

INTERROGATORY NO. 6

Excluding goods and services identified in response to Interrogatory No. 4, describe in detail the goods and services You intend to Sell in connection with the SMART TOUCH Mark for which planning has been initiated, and the date that planning for each such use was initiated.

RESPONSE:

Nartron intends to sell goods and services consistent with those described in the response to Interrogatory No. 4, as future product opportunities arise.

INTERROGATORY NO. 7

For each good or service identified in response to Interrogatory Nos. 4 and 6, describe in detail the consumers to which the good or service is directed or targeted.

RESPONSE:

Nartron sells its SMART TOUCH products to a wide range of purchasers, including military and manufacturers of automotive, appliance, industrial and other commercial products.

INTERROGATORY NO. 8

For each good or service identified in response to Interrogatory Nos. 4 and 6, describe all past, present and anticipated product applications.

RESPONSE:

See the "Capabilites" brochure.

INTERROGATORY NO. 9

For each good or service claimed in Registration No. 1,681,891, describe in detail the channels of trade You use in connection with the Sale of the good or service.

RESPONSE:

Nartron does not "claim" goods or services in Registration No. 1,681, 891, and therefore this interrogatory is unintelligible. The word "claim" is more recognizable as a term of art in patent law. To the extent this interrogatory can be interpreted as requesting an identification of channels of trade for Nartron's SMART TOUCH products, Nartron avails itself of traditional channels in the product application fields it services.

INTERROGATORY NO. 10

Identify the Person(s) most knowledgeable about Your Sales, advertising, plans for marketing and licensing of each good or service identified in Interrogatory Nos. 4 and 6.

RESPONSE:

Norman A. Rautiola.

INTERROGATORY NO. 11

Identify any advertising agency engaged by You to advertise and promote Your goods or services under the SMART TOUCH Mark and identify the advertising agency employees having the most knowledge of such advertising and promotion.

RESPONSE:

None.

INTERROGATORY NO. 12

Describe in detail (by medium and amount actually spent) each of the ways You have advertised Your goods or services under the SMART TOUCH Mark since the inception of Your use of said mark.

RESPONSE:

Nartron has used its SMART TOUCH trademark for well over 20 years. Nartron does not maintain business records which would itemize by product, medium and amount, the advertising for Nartron's products sold in connection with the SMART Touch mark. However, see (a) www.nartron.com and (b) Exhibits A-F for exemplary advertising uses of SMART TOUCH.

INTERROGATORY NO. 13

Describe in detail (by medium and amount budgeted) each of the ways You plan to advertise Your goods or services under the SMART TOUCH Mark in the calendar years 2010-2011.

RESPONSE:

See the Response to Interrogatory No. 12, which Nartron adopts by reference.

INTERROGATORY NO. 14

Identify Your sales volume (by dollars and units), for each year from First use to present, of each good or service sold under the SMART TOUCH Mark.

RESPONSE:

Nartron objects to this interrogatory on the grounds that it is (a) not relevant to any issue of fact or law to be litigated in this Opposition, as framed by the pleadings, and (b) unduly burdensome because Nartron has used its SMART TOUCH for over 20 years. Without waiver of this objection, Nartron does not maintain business records which itemize sales volume for Nartron's products sold in connection with the SMART Touch mark.

INTERROGATORY NO. 15

For sales volume reported in response to Interrogatory No. 14, please separately list wholesale and retail sales, if any.

RESPONSE:

See the Response to Interrogatory No. 14, adopted by reference.

INTERROGATORY NO. 16

Identify Your wholesale, suggested retail price and retail price, for each year from first use to present, of each good or service sold under the SMART TOUCH Mark.

RESPONSE:

See the Response to Interrogatory No. 14, adopted by reference.

INTERROGATORY NO. 17

Describe in detail all instances in which a third party has challenged Your use of any term composed in whole or in part of the term "smart touch," including the outcome of any such challenge.

RESPONSE:

Nartron is not aware of being "challenged" by any third party in respect of its use of SMART TOUCH.

INTERROGATORY NO. 18

Describe in detail all instances in which You have challenged a third party's use of any term composed in whole or in part of the term "smart touch," including the outcome of any such challenge.

RESPONSE:

See the "Summary" of proceedings before the Trademark Trial and Appeal Board involving Nartron's SMART TOUCH registration of U.S. 1,681,891, to be produced concurrently. Also, in 1996, Nartron brought a civil action against Pitney-Bowes for infringement. The records of that civil action have not been maintained, and the docket information cannot be located on the PACER system of the United States Courts. However, the litigation concluded in a confidential settlement satisfactory to Nartron.

INTERROGATORY NO. 19

Describe in detail each instance known to You in which you contend that any Person has actually become confused by reason of the use of the TOUCHSMART Mark.

RESPONSE:

Nartron is not presently aware of any instances of actual confusion, however, case investigation and discovery are continuing.

INTERROGATORY NO. 20

Describe in detail each instance in which a Person has expressed a belief that there is an affiliation or relationship between Respondent, or any good or service sold under the TOUCHSMART Mark, and You, and how You became aware of each instance.

RESPONSE:

Nartron is not presently aware of any instances of actual confusion, however, case investigation and discovery are continuing.

INTERROGATORY NO. 21

Describe each instance in which a Person has expressed a view that Your goods or services are related to Respondent's goods or services, and how You became aware of each instance.

RESPONSE:

Nartron is not presently aware of any instances of actual confusion, however, case investigation and discovery are continuing.

INTERROGATORY NO. 22

Identify all Persons likely to have knowledge regarding the facts contained in Your responses to these Interrogatories, and identify the subject of the information for each.

RESPONSE:

Norman A. Rautiola and John M. Washeleski.

As to objections,

BROOKS & KUSHMAN P.C.

By:


ROBERT C.J. TUTTLE

HOPE V. SHOVEIN

1000 Town Center,

Twenty-Second Floor

Southfield, Michigan 48075

(248) 358-4400

Attorneys for Petitioner

Dated: April 29, 2010

CERTIFICATE OF SERVICE

I certify that I served:

**PETITIONER'S RESPONSES TO RESPONDENT
HEWLETT-PACKARD DEVELOPMENT COMPANY, L.P.'S
FIRST SET OF INTERROGATORIES**

on April 29, 2010 by:

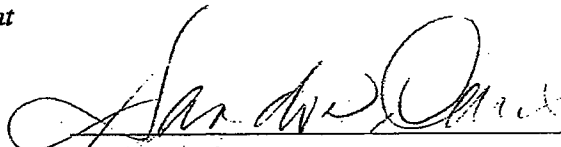
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HOWARD, RICE, NEMEROVSKI,
CANADY, FALK & RABKIN
Three Embarcadero Center
Seventh Floor
San Francisco, CA 94111

Attorneys for Respondent


Sandra Davis

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD**

NARTRON CORPORATION,

Petitioner,

v.

HEWLETT-PACKARD DEVELOPMENT
COMPANY, L.P.,

Respondent.

Cancellation No. 92050789

Registration No. 3,600,880

Registration Date: April 7, 2009

Mark: **TOUCHSMART**

RESPONDENT'S NOTICE OF RELIANCE

EXHIBIT 85

**UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD**

NARTRON CORPORATION

Petitioner,

v.

Cancellation No. 92050789

**HEWLETT-PACKARD
DEVELOPMENT COMPANY, L.P.,**

Respondent.

_____ /

**PETITIONER'S RESPONSES TO RESPONDENT
HEWLETT-PACKARD DEVELOPMENT COMPANY, L.P.'S
FIRST REQUESTS FOR PRODUCTION**

DOCUMENT REQUEST 1

Please produce all Documents that Refer or Relate to any instances of actual consumer confusion arising out of or relating to Respondent's use of the TOUCHSMART Mark.

RESPONSE:

Nartron is not presently aware of any instances of actual confusion, however, case investigation and discovery are continuing.

DOCUMENT REQUEST 2

Please produce all Documents that Refer or Relate to potential consumer confusion arising out of or relating to Respondent's use of the TOUCHSMART Mark.

RESPONSE:

Nartron is not presently aware of any instances of actual confusion, however, case investigation and discovery are continuing.

DOCUMENT REQUEST 3

Please produce all Documents identifying each of the channels of trade within which You have sold the goods and services claimed in Registration No. 1,681,891.

RESPONSE:

See documents being produced concurrently.

DOCUMENT REQUEST 4

Please produce Documents sufficient to identify each good or service that You have offered, now offer, and currently plan to offer under the SMART TOUCH Mark in the United States since Your inception, including the year(s) in which You sold or plan to sell each good or service.

RESPONSE:

See documents being produced concurrently.

DOCUMENT REQUEST 5

Please produce all Documents that Refer or Relate to any past, present or anticipated product application for goods or services sold under the SMART TOUCH Mark.

RESPONSE:

See documents being produced concurrently.

DOCUMENT REQUEST 6

Please produce Documents sufficient to quantify Your annual sales, in units and dollars, for each good or service sold under the SMART TOUCH Mark in the United States since Your inception.

RESPONSE:

Nartron objects to this request on the grounds that it is (a) not relevant to any issue of fact or law to be litigated in this Opposition, as framed by the pleadings, and (b) unduly burdensome because Nartron has used its SMART TOUCH for over 20 years. Without waiver of this objection, Nartron does not maintain business records which itemize sales volume for Nartron's products sold in connection with the SMART Touch mark.

DOCUMENT REQUEST 7

Please produce Documents sufficient to quantify Your annual expenditures for marketing and advertising goods or services under the SMART TOUCH Mark for each year since Your inception.

RESPONSE:

Nartron has used its SMART TOUCH trademark for well over 20 years. Nartron does not maintain business records which would itemize by product, medium and amount, the advertising for Nartron's products sold in connection with the SMART Touch mark. However,

see (a) www.nartron.com and (b) documents to be produced concurrently showing exemplary advertising uses of SMART TOUCH.

DOCUMENT REQUEST 8

Please produce Documents sufficient to identify the content, media and timing of each of Your advertisements for goods or services sold under the SMART TOUCH Mark for each year since the inception of Your use of said mark, including all print, billboard, radio, television, internet and other advertising, together with summaries of the amounts You budgeted and spent for such advertising.

RESPONSE:

Nartron has used its SMART TOUCH trademark for well over 20 years. Nartron does not maintain business records which would itemize by product, medium and amount, the advertising for Nartron's products sold in connection with the SMART Touch mark. However, see (a) www.nartron.com and (b) documents to be produced concurrently showing exemplary advertising uses of SMART TOUCH.

DOCUMENT REQUEST 9

Please produce all Documents that Refer or Relate to any market studies, focus groups, surveys and/or consumer research that Refer or Relate to Your use of the SMART TOUCH Mark.

RESPONSE:

At present, Nartron has not done any market studies, focus groups, surveys or consumer research on the SMART TOUCH mark.

DOCUMENT REQUEST 10

Please produce all Documents that Refer or Relate to any market studies, focus groups surveys, and/or consumer research that Refer or Relate to Respondent's use of the TOUCHSMART Mark.

RESPONSE:

At present, Nartron has not done any market studies, focus groups, surveys or consumer research on the SMART TOUCH mark.

DOCUMENT REQUEST 11

Please produce all Documents that Refer or Relate to any challenge by You to any Person selling goods or services under the term "smart touch" or any variation thereof, including, but not limited to, any cease and desist letters You sent and any correspondence or communications which resulted from each such letter, pleadings filed in connection with any litigation which resulted from Your challenge, and any judgment or settlement agreement resolving Your challenge.

RESPONSE:

See the "Summary" of proceedings before the Trademark Trial and Appeal Board involving Nartron's SMART TOUCH registration of U.S. 1,681,891, to be produced concurrently. Responsive non-privileged documents may be obtained through the TTAB VUE portal on the site www.uspto.gov.

Also, in 1996, Nartron brought a civil action against Pitney-Bowes for infringement. The records of that civil action have not been maintained, and the docket information cannot be located on the PACER system of the United States Courts. However, the litigation concluded in a confidential settlement satisfactory to Nartron.

DOCUMENT REQUEST 12

Please produce all Documents that Refer or Relate to any third-party challenge regarding Your use of the SMART TOUCH Mark, including, but not limited to, any cease and desist letters You received and any correspondence or communications which resulted from each such letter, pleadings filed in connection with any litigation which resulted from the third-party challenge, and any judgment or settlement agreement resolving the third party challenge.

RESPONSE:

None.

DOCUMENT REQUEST 13

Please produce all Documents that Refer or Relate to any trademark searches or investigations of any records, including but not limited to, the United States Patent and Trademark Office records, state trademark records, trademark or trade publications, business directories, or the records of any trademark service organization, conducted by or behalf of You, prior to selecting the SMART TOUCH Mark.

RESPONSE:

None specifically known. The application of Nartron's asserted '891 registration was filed by Daniel J. Sammon. Mr. Sammon became deceased in November, 1991, and his law firm has subsequently discontinued its operations.

DOCUMENT REQUEST 14

Please produce all Documents that Refer or Relate to any trademark survey ever conducted by or for You related to any issue in the Petition, including but not limited to the issues of likelihood of confusion, secondary meaning, consumer awareness, fame or dilution arising out of or relating Your use of the SMART TOUCH Mark or to Respondent's use of the TOUCHSMART Mark.

RESPONSE:

None at present.

DOCUMENT REQUEST 15

Please produce all Documents that support Your statement in paragraph 4 of the Petition that "Petitioner has expended considerable effort and expense in promoting its mark SMART TOUCH and goods associated with this mark."

RESPONSE:

See documents to be produced concurrently.

DOCUMENT REQUEST 16

Please produce all Documents that support Your statement in paragraph 4 of the Petition that "the purchasing public has come to know and recognize Petitioner's products by this mark."

RESPONSE:

See documents to be produced concurrently.

DOCUMENT REQUEST 17

Please produce all Documents that support Your statement in paragraph 4 of the Petition that "Petitioner has an exceedingly valuable good will established in its SMART TOUCH mark."

RESPONSE:

See documents to be produced concurrently.

DOCUMENT REQUEST 18

Please produce all Documents that support Your statement in paragraph 6 of the Petition that the SMART TOUCH and TOUCHSMART marks "are used on related goods."

RESPONSE:

See the Declaration of John M. Washeleski submitted in opposition to Respondent's motion for summary judgment.

DOCUMENT REQUEST 19

Please produce all Documents that support Your statement in paragraph 7 of the Petition that "confusion and deception as to the origin of Respondent's goods bearing the mark would occur, all to the damage and detriment of Petitioner."

RESPONSE:

Petitioner Nartron objects to this request as lacking the "reasonable particularity" required by Fed.R.Civ.P. 34(b). This omnibus request essentially asks for the entirety of Nartron's trial exhibits on the likelihood of confusion ground of cancellation. If Respondent will re-frame this request to an item or category (per the language of the rule) described with reasonable particularity, Nartron will re-consider its objection. Without waiver of this objection, Nartron cites to the documents submitted in the opposition to Respondent's motion for summary judgment.

DOCUMENT REQUEST 20

Please produce all Documents that support Your statement in paragraph 7 of the Petition that use of the TOUCHSMART Mark "would cause confusion in the trade resulting in damage and injury to Petitioner."

RESPONSE:

Petitioner Nartron objects to this request as lacking the "reasonable particularity" required by Fed.R.Civ.P. 34(b). This omnibus request essentially asks for the entirety of Nartron's trial exhibits on the likelihood of confusion ground of cancellation. If Respondent will re-frame this request to an item or category (per the language of the rule) described with reasonable particularity, Nartron will re-consider its objection. Without waiver of this objection, Nartron cites to the documents submitted in the opposition to Respondent's motion for summary judgment.

DOCUMENT REQUEST 21

Please produce all Documents that support Your statement in paragraph 8 of the Petition that "Respondent's use or registration of the mark TOUCHSMART in connection with its 'personal computers, computer hardware, computer monitors, computer display screens,' is likely to cause confusion, or to cause mistake, or to deceive as to the affiliation, connection, or

association of Respondent with Petitioner, or as to the origin, sponsorship, or approval of Respondent's goods by Petitioner."

RESPONSE:

Petitioner Nartron objects to this request as lacking the "reasonable particularity" required by Fed.R.Civ.P. 34(b). This omnibus request essentially asks for the entirety of Nartron's trial exhibits on the likelihood of confusion ground of cancellation. If Respondent will re-frame this request to an item or category (per the language of the rule) described with reasonable particularity, Nartron will re-consider its objection. Without waiver of this objection, Nartron cites to the documents submitted in the opposition to Respondent's motion for summary judgment.

DOCUMENT REQUEST 22

Please produce all Documents that support Your statement in paragraph 9 of the Petition that "Respondent's use of TOUCHSMART in connection with a computer monitor and display screens is identical to Petitioner's use of SMART TOUCH for electronic sensors."

RESPONSE:

Petitioner Nartron objects to this request on the ground that it crops the language of paragraph 9 of the cancellation petition. The full text of paragraph 9 refers to "Exhibit 2" to the petition.

DOCUMENT REQUEST 23

Please produce all Documents that reflect consumer reaction to, including any consumer confusion concerning, Respondent's use of the TOUCHSMART Mark.

RESPONSE:

At present, Nartron has not done any market studies, focus groups, surveys or consumer research on the SMART TOUCH mark.

DOCUMENT REQUEST 24

Please produce all Documents that Refer or Relate to the use, if any, of Your "electronic proximity sensors and switching devices" as a component part of goods- or services sold under the TOUCHSMART Mark.

RESPONSE:

Responsive documents are those submitted in the opposition to Respondent's motion for summary judgment. If Respondent will provide a complete bill of materials for any goods it sells under the TOUCHSMART mark, Nartron will endeavor to supplement this response.

DOCUMENT REQUEST 25

Please produce Documents from which Your organizational structure may be determined, including but not limited to, organizational charts with names of officers, directors and/or managers.

RESPONSE:

Nartron does not prepare organizational charts or the like.

DOCUMENT REQUEST 26

Please produce all Documents that You relied on or referred to in responding to Respondent's First Set of Interrogatories.

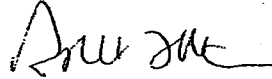
RESPONSE:

Responsive documents have been produced, or will be produced concurrently.

Respectfully submitted,

BROOKS & KUSHMAN P.C.

By:



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Twenty-Second Floor

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Attorneys for Petitioner

Dated: April 29, 2010

CERTIFICATE OF SERVICE

I certify that I served:

**PETITIONER'S RESPONSES TO RESPONDENT
HEWLETT-PACKARD DEVELOPMENT COMPANY, L.P.'S
FIRST REQUESTS FOR PRODUCTION**

on April 29, 2010 by:

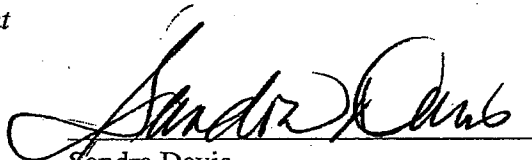
 delivering

 ✓ mailing (via First-Class mail)

a copy to:

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